SPEAKERS RULING *Re*: ADJOURNMENT MOTION ON THE SUBJECT OF ALLEGED MAL-PRACTICE, NEPOTISM AND CORRUPTION ETC., IN ALLOTMENT OF SEATS IN A PRIVATE MEDICAL COLLEGE, DAVANGERE.

Mr. SPEAKER.—With regard to the matter Sri Basavannappa has represented to me, I have gone through it and I will give my decision later.

Before the discussion begins I have to give a ruling which I promised to give to the House. 22 Hon'ble Members of this House have under dated 12th July 1967 given notice under Rule 60 of the Rules of Procedure seeking the adjournment of the work of the Assembly to discuss a matter of urgent public importance and recent occurrence to wit the indiscriminate selection of candidates for admission into the Medical College, Davangere during the current year according to the sweet will and pleasure of the Members of the Governing Body of the College. The Speaker's consent is necessary to make the motion. In deciding upon to give the consent or refuse consent there are definite principles governing the same. The Main basis for bringing in a matter before the House is the answerability of the Executive Government or the Council of Ministers to the Legislature. It is with regard to the management and executive acts done by the Government that the Government is controlled in the shape of interpellations, motions, resolutions, etc. The responsibility of the Government arises if the colleges in question is a Government College constituted by the Government and managed by the Government and for which expenses are incurred by the Government from out of its funds. At this stage it might be borne in mind that even with regard to the institutions of the Government there are Government-owned industries or local bodies or statutory bodies for which Government may perhaps be giving financial assistance. A distinction has always been maintained between Government managed institutions and Government institutions managed by autonomus bodies. There are also autonomous institutions created under statutes or otherwise. Mention may be made of Universities, Local Bodies, Sanitary Boards, etc. Close scrutiny of the difference between the two has brought about difference between what is called responsibility and answerability when matters relating to autonomous bodies are brought before the House. It is only with regard to a restricted field that questions are allowed. If restrictions and distinctions exist in the matter of answerability for fully-Government managed institutions and acts of autonomous bodies then it becomes clear that so far as private institutions are concerned the matter is more clear. Therefore, in the case of purely private institutions it is difficult to opine that the Government is answerable. Both from the wording of the letter as well as from the speeches that were made on the floor of the House, it is clear that the Medical College, Davangere is not a Government Medical College. It is not styled as such in the notice nor does the Budget mentions it as one of the colleges run by the Government and

for which provision of funds is asked. It is further seen from the terms of the motion of which notice has been given that admissions have been made "according to the sweet will and pleasure of the members of the Governing Body of the said College". Even in this it is not mentioned that the Government has any hand in it. It is also not mentioned that any of the Ministers are in the Governing Body. If the members of the Governing Body have behaved wrongly it may be a matter of violation of the trust if there is a trust deed whereunder the institution has been created or any other document under which it has been incorporated. The Ministers or the Government had no hand, so far as the matters disclosed up till now in framing the trust deed or in enforcing terms of the trust. Hence there cannot be any dereliction of duty on the part of the Government. Hon'ble Member Sri Siddaveerappa said with great emphasis that Government funds are expended and and read out from his notes certain amounts as having been spent or provided to be spent for the Chigateri Hospital. The Hospital and the college are distinct and separate institutions. Authorities of hospital have no hand in the selection of candidates. The hospital authorities manage the hospital. If it is with regard to the management of the hospital that the adjournment motion related it would have to be considered in a different approach altogether. The circumstance that clinical facilities are afforded from the beds in the hospital to educate the students that might be admitted in the college cannot possibly make the college an institution subordinate to the Government or vest control in the Government. It cannot be said that the Government has or had power to admit students. Therefore, it follows that there cannot possibly be any default on the part of the Government on this count.

Further it is to be remembered that the motion is one for adjourment of the House to discuss a matter of urget public importance and of recent occurrence. A few principles governing the same as evidenced by the rulings can also be borne in mind. Lok Sabha Debates II dated 22nd Febary 1955 enunciates that an adjournment motion cannot be moved to settle or discuss facts. The reply furnished by the Government as well as the speech of the Hon'ble Minister for Health shows that there is a controversy with regard to the facts under consideration. By LSD II dated 16th August 1955 it has been held that an adjournment motion is not admissible where the subject matter it seeks to raise has recently been debated upon and the situation is a continuing one. The debate on the Demands for Public Health took place on 7th July 1967 and in turns 05 to 19 the reply of the Minister dealt with the matter of admission into the private Medical Colleges which had been raised by a large number of Members some of whom are the signatories to the letter covering the adjournment motion. Yet another ruling is to the effect that if Government disputes the facts stated in the notice of the adjourment motion the Speaker accepts the version of facts unless there is evidence to the contrary. The principle that matters relating to local administration or autonomous corporation or non—Government

(Mr. SPEAKER)

institutions cannot be raised by way of an adjournment motion has been accepted in a number of rulings.

Motion to be admissible must have some relation to the conduct or default of Government and must be in the nature of criticism of Government and its actions. Matters which are not primarily the concern of Government cannot be the subject matter of an adjournment motion. There are a host of other rulings which have held that matters in which the Government has no administrative responsibility cannot be the subject of an adjournment motion.

In the light of the above, I am unable to give my consent now sought by the Members.

BUDGET ESTIMATES FOR 1967-68—DEMAND FOR GRANTS

Demand No. 27

Sri G. NARAYANA GOWDA (Minister for Social Welfare).—Sir, on the recommendation of the Governor, I beg to move :

> "That a sum not exceeding Rs. 2,98,65,000 be granted to the Government to defray the charges which will come in course of payment during the financial year for the period ending 31st day of March 1968 in respect of 'Miscellaneous; Social and Developmental Organisations'."

Mr. SPEAKER.—Motion moved :*

> "That a sum not exceeding Rs. 2,98,65,000 be granted to the Government to defray the charges which will come in course of payment during the financial year for the period ending 31st day of March 1968 in respect of 'Miscellaneous, Social and Developmental Organisations'."

ಶ್ರೀ ಎಂ. ಎಚ್. ಜಯಪ್ರಕಾಶ್ ನಾರಾಯಣ್ (ಸಿರಸಿ).—ಸನ್ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷರೇ, ಮೈಸೂರು ರಾಜ್ಯದ ಅಯವ್ಯಯ ಪಟ್ಟಿಯ 27ನೇ ಡಿಮ್ಯಾಂಡ್ ಮೇಲೆ ಇಂದು ಚರ್ಚೆ ಇದೆ. ಈ ಬೇಡಿಕೆ ಈ ದಿವನ ನಮ್ಮ ಮುಂದೆ ಚರ್ಚೆಯಲ್ಲಿದೆ. ಯಾವ ಜನಾಂಗ ಬಡತನದ ಬೇಗೆಯಲ್ಲಿ ಬಳಲಿದೆಯೋ, ಯಾವ ಅನಕ್ಷರತೆಯ ನಂಕೋಲೆಯಲ್ಲಿ ಬಿಗಿಯಲ್ಪಟ್ಟಿದೆಯೋ, ಯಾವ ಜನಾಂಗ ಶೈಕ್ಷಣಿಕ ಹಿತಾಸಕ್ತಿ ಪಡೆದಿಲ್ಲವೋ, ಯಾವ ಜನಾಂಗ ಆರ್ಥಿಕ ಪ್ರಗತಿಯಲ್ಲಿ ಮುಂದುವರೆದಿಲ್ಲವೋ, ಯಾವ ಜನಾಂಗ ಸಾಮಾಜಿಕ ಅನ್ಯಾಯಕ್ಕೆ ತಕ್ಕ ರಕ್ಷಣೆ ಪಡೆದಿಲ್ಲವೋ, ಮತ್ತು ಯಾವ ಜನಾಂಗ ಶೋಷಣೆಯಿಂದ ವಿಮುಕ್ತಿಯಾಗಿಲ್ಲವೋ ಅಂತಹ ಜನಾಂಗದ ಕಲ್ಯಾಣಕ್ಕಾಗಿ ರಚಿತವಾಗಿರುವ ಈ ಡಿಮ್ಯಾಂಡ್ ಈಗ ನಮ್ಮ ಮುಂದೆ ಚರ್ಚೆಗೆ ಬಂದಿದೆ. ಇದು ಎಲ್ಲಕ್ಕೂ ಏಗಿರಾಗಿ ರಾಜ್ಯಾಂಗದ ಸಂವಿಧಾನದ 46ನೆಯ ವಿಧಿಗೆ ಅನುಗುಣವಾಗಿ ತತ್ವ ನಿರೂಪಣೆಯನ್ನು ಈ ಡಿಮ್ಯಾಂಡ್ ಪಡೆದಿಲ್ಲ. ಪರಿಶಿಷ್ಟ ಜಾತಿ, ಪರಿಶಿಷ್ಟ ವರ್ಗಗಳ ಹಿತಸಾಧಿಸುವ ಬೇಡಿಕೆ ಇದಾಗಿದ್ದರೂ ಸರ್ಕಾರ ಹರಿಜನ ಮತ್ತು ಗಿರಿಜನ ಹಾಗೂ ಗುಡ್ಡನಾಡಿನ ಜನರ ಹಿತ ಸಾಧಿಸಲು ಪ್ರಗತಿಪರವಾದ ಯೋಜನೆ

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* Moved upon the recommendation of the Governor.